

Application No. 10/743,281
Amendment and Response dated May 5, 2007

BHGL Ref. 10709/63

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RESPONSE

Claims 1-38 are pending.

Claim 19 is currently amended to correct a typographical error. No new matter has been added.

Applicants representatives, Lisa Seaney and John Haugen, attempted to clarify the Office communication on April 26, April 30, and May 1, but were unable to talk with the Examiner regarding the issues. Applicants understand that the Examiner was then on vacation and unable to respond to their inquiries.

The Office communication does not clearly set forth if the Patent Office is issuing a species election or whether the Patent Office considers each of the 106 compounds of claim 30 to be separate inventions. Applicants kindly point out that although the Office communication states that the compounds belong to different classes and further provides examples of classes, no restriction to groups or classes of compounds is set forth. Hence, Applicants believe that no such restriction is being made. Indeed, Applicants believe that there is a single invention which is described in generic claim 1.

To the extent that the Patent Office is instead stating that there are 106 different inventions, Applicants respectfully traverse. Claim 1 has a core structure. It also has several points of variability, some of which are defined to include various heterocycles. The Office communication focuses on these positions of variability, while ignoring the core structure. 37 CFR 1.141 provides that an allowable generic claim may link a reasonable number of species embraced thereby. That is what Applicants have done here.

Applicants thank the examiner for indicating that the method claims would be joined to an allowed genus of compounds. Applicants believe that the genus of claim 1 is allowable.

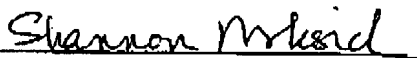
As required, Applicants identify compound 57 as the elected species and state that claims 1, 3, 5, 6, 10, 12, 13, 19-22, 24-27, 29-33, 36, and 38 read thereon. Applicants believe this is a full and complete response to the Office communication.

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Applicants respectfully request the Examiner enter the amendments presented.
The Examiner is invited to contact the undersigned agent via telephone if such communication would expedite this application.

Respectfully submitted,


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